



August 17, 2004 CPC  
August 25, 2004 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0297

William P. Sowers

Midlothian Magisterial District  
Off the east line of Wal-Mart Way

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3).

PROPOSED LAND USE:

Community Business (C-3) uses are proposed, except as limited by proffered conditions.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

AYES: MESSRS. GECKER, LITTON, BASS AND WILSON.  
ABSTENTION: MR. GULLEY.

STAFF RECOMMENDATION

Recommend approval for the following reason:

While the Midlothian Area Community Plan suggests the property is appropriate for medium density residential uses of 1.51 to 4 units per acre, surrounding properties permit commercial uses which, through land use limitations and design, provide appropriate transitions from this commercial node to existing residential developments to the north, east and west.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS

NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 736-709-1439 and 736-709-4223 (part) containing a total of 1.2 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property to C-3 for development of retail uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

- (STAFF/CPC)            1.     Uses. No portion of the Property shall be used for any of the following:
- (a)     Cocktail lounges and nightclubs
  - (b)     Hospitals
  - (c)     Hotels
  - (d)     Flea markets
  - (e)     Free-standing fast food restaurants.
  - (f)     Any use with drive-in or drive-through facilities.
  - (g)     Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
  - (h)     Coin operated dry cleaning, laundry and Laundromats.
  - (i)     Park and ride lots.
  - (j)     Secondhand and consignment stores.
  - (k)     Commercial kennels.
  - (l)     Residential multifamily and townhouses.
  - (m)     Outside storage of construction equipment/materials.
  - (n)     Continuous outside display of merchandise for sale pursuant to Section 19-159(i) of the Zoning Ordinance other than within or within 100 feet of a garden center and limited to products related to the garden center operation.
  - (o)     Outside runs for veterinary hospitals.
  - (p)     Massage clinics except when located within a health club, tanning salon or similar facility.

- (q) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis.
  - (r) Motor vehicle sales or rentals. (P)
- (STAFF/CPC) 2. Building Heights. Buildings on the Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height. (P)
- (CPC) 3. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
- (STAFF/CPC) 4. Water and Wastewater. Public water and wastewater systems shall be used. (U)
- (STAFF/CPC) 5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 6. Transportation; Access Road to Wal-Mart Way.
- (a) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" ("Point D") on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A"), a copy of which was filed with Case No. 03SN0246, to the common boundary line between the Property and the parcel identified as Tax ID 736-709-3667, including rights of way across the parcels identified as Tax ID's 736-708-1856, 735-709-8503 and 736-709-4223 shown as "Point F" on Zoning Exhibit A ("Point F"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.
  - (b) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street

shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County. (T)

### GENERAL INFORMATION

#### Location:

Off the east line of Wal-Mart Way, north of Midlothian Turnpike. Tax IDs 736-709-1439 and Part of 4223 (Sheet 6).

#### Existing Zoning:

A and A with Conditional Use for commercial indoor recreational uses

#### Size:

1.2 acres

#### Existing Land Use:

Vacant

#### Adjacent Zoning and Land Use:

North and East - A with Conditional Use for Commercial indoor recreational uses;  
Vacant

South - C-3; Vacant

West - O-2 with Conditional Use; Public/semi-public (electric substation and communications tower)

### UTILITIES

#### Public Water System:

There is an existing eight (8) inch water line extending along West Petty Drive in Olde Coach Village Subdivision that terminates approximately 370 feet east of the request site. The applicant has proffered use of the public water system. (Proffered Condition 4)

#### Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending along Wal-Mart Way approximately 750 feet southwest of this site. Use of the public wastewater system is intended and has been proffered by the applicant. (Proffered Condition 4)

### ENVIRONMENTAL

#### Drainage and Erosion:

The property drains southwest through storm-sewer systems to Falling Creek. There are currently no on- or off-site drainage or erosion problems with none anticipated after development. The property is wooded and should not be timbered without first obtaining a land disturbance permit. This will ensure that proper erosion control measures are in place prior to any timbering. (Proffered Condition 5)

### PUBLIC FACILITIES

#### Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have only minimal impact on fire and EMS. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

#### Transportation:

The property, consisting of 1.2 acres, is currently zoned Agricultural (A), and the applicant is requesting rezoning to Community Business (C-3). Development of the property will have a minimal impact on the existing transportation network.

Vehicles generated by development of the property will be distributed along Midlothian Turnpike (Route 60), which had a 2003 traffic count of 49,198 vehicles per day. Traffic volumes along sections of Route 60 exceed its capacity, and drivers experience congestion especially during peak periods. Route 60 from Courthouse Road to Old Buckingham Road should be widened to six (6) lanes, and is identified as a priority on the Board of Supervisors' list of highway needs. No funds are included in the Virginia Department of Transportation Six-Year Improvement Program for this improvement.

The applicant has submitted a map ("Zoning Exhibit A") that identifies the property, and depicts a conceptual loop road (the "Special Access Street") extending from Walmart Way through the property and through several adjacent parcels. The purpose of the Special Access Street is to provide access to all the area properties generally bounded by

Midlothian Turnpike (Route 60) to the south, Falling Creek to the west, Old Buckingham Road to the north, and Olde Coach Village Subdivision to the east.

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). As previously stated, Zoning Exhibit A shows the proposed Special Access Street from Walmart Way looping through the property and through several adjacent parcels. The applicant has proffered to dedicate a fifty (50) foot wide right of way and build only a section of the Special Access Street (Proffered Conditions 6. a. and b.). The specific section of the Special Access Street that will be constructed is identified on the Zoning Exhibit A and referenced by Points D and F. In conjunction with the development of the property, the Special Access Street will be dedicated and constructed from Walmart Way ("Point D") to the northern property line ("Point F"). In order to provide this improvement, it will be necessary for the developer to acquire "off-site" right-of-way across three (3) adjacent parcels.

At the time of site plan review, specific recommendations will be made regarding access and internal circulation.

### LAND USE

#### Comprehensive Plan:

Although the request property lies within the boundaries of the Midlothian Area Community Plan which suggests the property is appropriate for medium density residential development of 1.51 to 4 dwelling units per acre, surrounding properties are zoned for commercial uses. Through use limitations and design controls, these adjacent properties are conditioned to provide appropriate transitions from this commercial node to existing residential developments to the north, east and west.

#### Area Development Trends:

Properties to the north and east are zoned Agricultural (A) with a Conditional Use to permit commercial indoor recreational uses and are currently vacant. Property to the south is zoned Community Business (C-3) and is under site plan review for shopping center development. Property to the west is zoned Corporate Office (O-2) with Conditional Use and is developed as an electric substation and communications tower. The subject property represents the remaining parcel enveloped by properties zoned for, or occupied by, commercial uses.

#### Zoning History:

On October 22, 2003, the Board of Supervisors, upon a favorable recommendation by the Commission, approved a Conditional Use to permit commercial indoor recreational uses on a 8.6 acre tract zoned Agricultural (A) (Case 03SN0284). The current request incorporates the southwestern portion of this property consisting of .2 acres.

On October 22, 2003, the Board of Supervisors, upon a favorable recommendation by the Commission, approved a rezoning from Corporate Office (O-2) to Community Business (C-3) of a 5.2 acre parcel located south of and adjacent to the subject property (Case 03SN0245). Proffered conditions offered in the current request are consistent with those accepted by the Board on this adjacent commercial tract. It is anticipated that the request property will be assembled with this commercial tract for a shopping center development.

#### Site Design:

The request property lies within an Emerging Growth Area. Development of the site must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, pedestrian access, utilities and screening of dumpsters and loading areas.

#### Uses:

The applicant has identified several uses that could be potentially objectionable to area property owners and has proffered to eliminate these uses from the property. (Proffered Condition 1)

#### Architectural Treatment:

Currently, architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Within Emerging Growth Areas, no building exterior which would be visible to any A, R or O District or any public right of way may consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides that face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any adjoining A, R, or O District or any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal. All junction and accessory boxes must be minimized from view of adjacent property and public rights of way by landscaping or architectural treatment integrated with the building served. Mechanical equipment, whether ground-level or rooftop, must be screened from view of adjacent property and public rights of way and designed to be perceived as an integral part of the building.

Currently, within the Community Business (C-3) District, the Ordinance limits the height of buildings to three (3) stories or forty-five (45) feet, whichever is less. In consideration of the existing residential developments to the east and consistent with commercially-

zoned property to the south, proffered conditions limit building heights within the property to one (1) story and twenty-five (25) feet. (Proffered Condition 2)

#### Parking Lot Cleaning:

Proffered Condition 3 limits the hours of parking lot cleaning activities. This proffer is difficult, if not impossible for staff to enforce. Therefore, it is recommended that this proffer not be accepted.

#### Buffers and Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an A or R District be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves and that such area within 1,000 feet of any A or R Districts not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

With the approval of this request, outside storage would be permitted as a restricted use. Outside storage areas must be screened from view of adjacent properties that have no such areas and public rights of way. In addition, no more than ten (10) percent of the gross floor area of the principal use may be used for outside storage.

It should be noted that conditions of zoning for the adjacent Dominion Power property (Tax ID 735-709-5944) require the provision of a seventy-five (75) foot buffer around the perimeter of the property if developed for uses other than an electric substation. A portion of the proposed loop road that will serve the subject property encroaches into this potential buffer area. This encroachment will necessitate Planning Commission approval through the site plan review process should the Dominion Power property be developed for any O-2 or office/warehouse uses.

### CONCLUSIONS

While the Midlothian Area Community Plan suggests the property is appropriate for medium density residential uses of 1.51 to 4 units per acre, surrounding properties permit commercial uses which, through land use limitations and design, provide appropriate transitions from this commercial node to existing residential developments to the north, east and west. Proffered conditions are consistent with those accepted by the Board on the adjacent commercial tract to the south. It is anticipated that the request property will be assembled with this commercial tract for a shopping center development.

Given these considerations, approval of this request is recommended.



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## CASE HISTORY

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### Planning Commission Meeting (8/17/04):

The applicant accepted the recommendation. There was no opposition present.

Mr. Gecker expressed concern that he had not been contacted by the applicant prior to the hearing nor invited to attend any community meeting for this request.

Mr. Litton indicated that, having been involved in the recent zoning cases on the adjacent sites for Walmart, Sowers and Poseidon Swim Club, he was aware of the applicant's intent to rezone this remaining parcel and noted no opposition to this in his dealings with the community.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

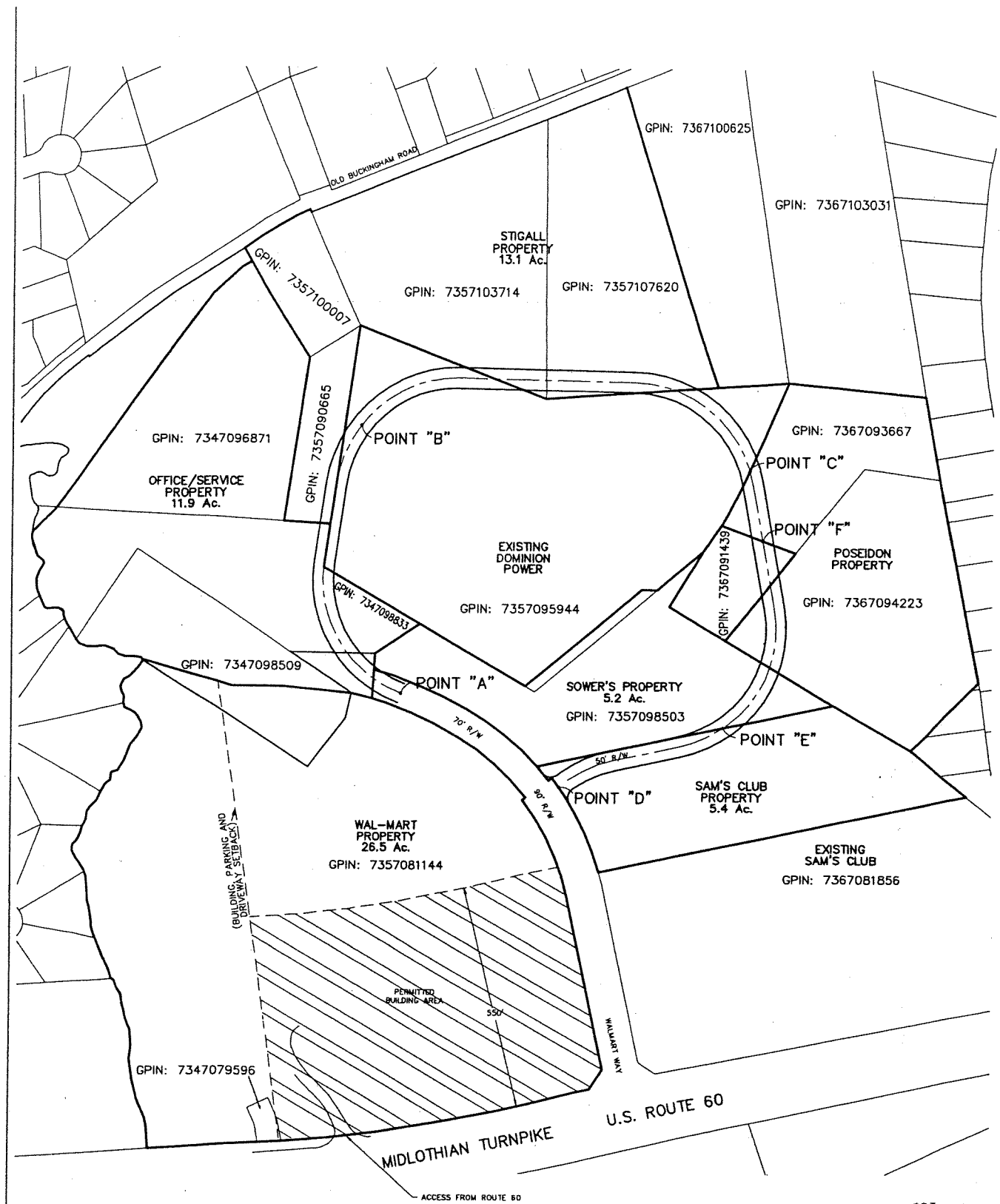
AYES: Messrs. Gecker, Litton, Bass and Wilson.

ABSTENTION: Mr. Gulley.

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The Board of Supervisors, on Wednesday, August 25, 2004, beginning at 7:00 p.m., will take under consideration this request.





NOTE:  
NO FIELD INFORMATION AND FIELD  
WORK HAS BEEN PERFORMED.



04SNO297-1

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|---|--|--|---|---|------------|
| <b>ZN1</b><br>SCALE: 1"=125'<br>DATE: APR. 26, 2006<br>DRAWN: DFP<br>CHECKED: PPH | <b>WAL-MART EXPANSION #1969-02</b><br>MIDLOTHIAN DISTRICT<br>CHESTERFIELD COUNTY, VIRGINIA |  | <b>KOONTZ-BRYANT, P.C.</b><br>A Full Service Civil Consulting Firm<br>1703 NORTH PARHAM ROAD, SUITE 203<br>RICHMOND, VIRGINIA 23228<br>(804) 740-8000 FAX (804) 740-7338<br>kbpc@koontzbryant.com | DESIGNED: KAS<br>DRAWN: DFP<br>CHECKED: PPH | REVISIONS: |
|   | ZONING EXHIBIT A   |  |   |   |            |
|   |  |  |   |   |            |